

1631

Attorney's Docket No.: 09010-105003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ronald Swanson et al.      Art Unit : 1631  
Serial No. : 10/027,806      Examiner : Unknown  
Filed : December 21, 2001  
Title : NUCLEIC ACIDS AND PROTEINS FROM CENARCHAEUM SYMBIOSUM

Commissioner for Patents  
Washington, D.C. 20231

#9  
Plunkett  
9/8/02

INFORMATION DISCLOSURE STATEMENT

Enclosed for filing in the above-referenced patent application is a Form PTO-1449 and a Form PTO 892, being submitted prior to the first Office Action on the merits.

Applicants respectfully request consideration of the remarks and references set forth herein.

The following documents are enclosed herewith:

- copy of Form PTO-1449 from parent application;
- copy of Form PTO-892 from parent application; and
- Postcard.

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P. O. Box 2327, Arlington, VA 22202.

8/29/2002

Date of Deposit

Signature

Debbrah K. Sim

Typed or Printed Name of Person Signing Certificate

### **REMARKS**

The references cited on the attached forms, PTO-1449 and PTO-892, are being called to the attention of the Examiner. It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

The forms are copies of those filed in the parent application U.S. Serial Number 09/408,020, filed September 29, 1999. In accordance with 37 CFR §1.97(d), copies of the references cited in the parent application are not included in this submission (MPEP §609A(2)); however, for the Examiner's convenience, if requested, Applicants will provide a copy of any or all of the references cited therein.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicants believe that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 06-1050. If necessary, please deduct any necessary additional fees from, or credit any overpayment to, the above-noted Deposit Account.

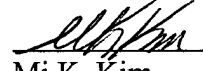
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Filed : December 21, 2001  
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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858 678 5070.

Respectfully submitted,

Date: August 29, 2002

  
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<b>FORM PTO-1449</b> U.S. Department of Commerce Patent and Trademark Office	<b>Docket No.</b> DIVER1490-1	<b>Serial No.:</b> 09/408,020
	<b>Applicant(s):</b> Swanson et al.	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	<b>Filing Date:</b> September 29, 1999	<b>Group Art Unit:</b> 1643

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### U.S. PATENT DOCUMENTS

EXAM. INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE

### FOREIGN PATENT DOCUMENTS

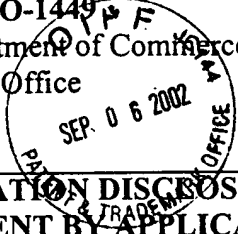
EXAM. INITIALS	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION (YES/NO)

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages)

AA	Ainsworth et al., "T. aestivum AGP-S mRNA," <i>Database EMBL</i> Accession Number X66080 (13 May 1992) XP002136936 (abstract)
AB	DeLong et al., "Application of Genomics for Understanding the Evolution of Hyperthermophilic and Nonthermophilic Crenarchaeota," <i>Biological Bulletin</i> 196(3):363-365 (June 1999) XP000872753
AC	Krejci et al., "Rattus norvegicus acetyl cholinesterase-associated collagen," <i>Database EMBL</i> Accession Number AF007583 (1 November 1997) XP002130622 (abstract)
AD	Preston et al., "A psychrophilic crenarchaeon inhabits a marine sponge: <i>Cenarchaeum symbiosum</i> gen. nov., sp. nov.," <i>Proc. Natl. Acad. Sci. USA</i> 93:6241-6246 (June 1996); & "Cenarchaeum symbiosum small subunit ribosomal RNA gene sequence," <i>Database Genbank</i> Accession Number U51469 (13 August 1996) XP002130621 (abstract)

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM PTO-1449</b> U.S. Department of Commerce Patent and Trademark Office 	<b>Docket No. DIVER1490-1</b>	<b>Serial No.: 09/408,020</b>
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		
<b>Applicant(s): Swanson et al.</b>		
<b>Filing Date:</b> <b>September 29, 1999</b>	<b>Group Art Unit: 1643</b>	

	AE	Schleper et al., "Genomic analysis reveals chromosomal variation in natural populations of the uncultured psychrophilic archaeon <i>Cenarchaeum symbiosum</i> ," <i>J. Bacteriol.</i> <b>180(19)</b> :5003-5009, <i>Database EMBL</i> XP-002136935; & "Cenarchaeum symbiosum strain B," <i>Database EMBL</i> Accession number AF083072 (23 September 1998) XP002136935 (abstract)
	AF	Schleper et al., "Characterization of a DNA polymerase from the uncultivated psychrophilic archaeon <i>Cenarchaeum symbiosum</i> ," <i>Journal of Bacteriology</i> <b>179(24)</b> :7803-7811 (December 1997) XP00872756; & "Cenarchaeum symbiosum DNA polymerase gene," <i>Database Genbank</i> Accession Number AF028831 (6 January 1998) XP002130624 (abstract)
	AG	Stein et al., "Characterization of Uncultivated Prokaryotes: Isolation and Analysis of a 40-Kilobase-Pair Genome Fragment from a Planktonic Marine Archaeon," <i>Journal of Bacteriology</i> <b>178(3)</b> :591-599 (February 1996) XP002050143
	AH	Suzuki et al., "Pig gad65 mRNA for glutamic acid decarboxylase," <i>Database EMBL</i> Accession Number D31848 (28 April 1995) XP002130623 (abstract)

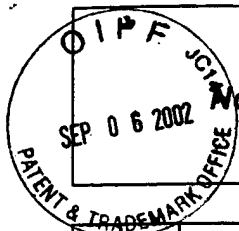
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**Notice of References Cited**

Application/Control No.

09/408,020

Applicant(s)/Patent Under  
Reexamination  
SWANSON ET AL.

Examiner

Marjorie Moran

Art Unit

1631

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**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US- -			
	B	US- -			
	C	US- -			
	D	US- -			
	E	US- -			
	F	US- -			
	G	US- -			
	H	US- -			
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	J	US- -			
	K	US- -			
	L	US- -			
	M	US- -			

**FOREIGN PATENT DOCUMENTS**

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	N	- -				
	O	- -				
	P	- -				
	Q	- -				
	R	- -				
	S	- -				
	T	- -				

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)			
	U	X57760, A. Fainsod 8 Jul 1992			
	V	AF016442, Wilson et al., 7 Aug 1997			
	W	AF083071, Schleper et al., 6 Oct 1998			
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\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.